

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

SUSAN LYNN SMITH (14)

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Case No. 4:07cr77  
(Judge Schell)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 13, 2012, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Jay Combs.

On April 1, 2008, Defendant was sentenced by the Honorable Marcia A. Crone to fifty-one (51) months' custody followed by three (3) years of supervised release for the offense of Conspiracy to Possess, Steal, or Receive Stolen Mail Matter. Defendant's sentence was reduced to twenty-five (25) months. The term of supervised release was revoked on February 18, 2011, and Defendant was sentenced to six (6) months' custody followed by an additional twenty-four (24) months of supervised release. On June 10, 2011, Defendant completed her period of imprisonment and began service of her new supervised term.

On December 20, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several of her conditions of supervised release. Violation allegations one, two, three, four, five, six, and eight were dismissed by the Government. The petition also alleged violation of the following additional special condition:

the defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

The petition alleges that Defendant committed the following acts with regard to the remaining violation: (1) The Defendant failed to submit random urine specimens at McCary Counseling Services, Denton, Texas, on July 27, 2011, October 4, 2011, November 4, November 21, and November 30, 2011, and December 6, 2011; and (2) Defendant failed to attend substance abuse counseling at McCary Counseling Services, Denton, Texas, on August 17, 2011, November 15, November 22, and November 29, 2011, and December 6, 2011.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation.

#### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Carswell Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 14th day of March, 2012.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE